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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of : WALLACK et al
Serial No. : 09/691,504
Filing Date : October 18, 2000
For : MELANOMA VACCINE AND METHODS OF MAKING
AND USING SAME
Examiner : Anne M. Beckerleg
Group Art Unit : 1632

Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this communication is being furnished to the United States Patent Service at the above address for the attention of the Assistant Commissioner for Patents, Washington, D.C. 20231, on

Date 5/28/02 Allyn Kenyon
Allyn's Signature Dan Kenyon
KENYON & KENYON

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

In a Restriction Requirement mailed March 26, 2002 in the above-identified patent application, the Examiner required election under 35 U.S.C. § 121. Specifically, the Examiner states that election must be made to one of the following groups of claims:

I. Claims 1-17 and 54, drawn to antigen presenting cells infected with a vaccinia virus encoding an immunostimulatory molecule and methods of using said cells, classified in classes 435 and 424, subclasses 325 and 93.2 respectively.

II. Claims 18-38 and 55-107, drawn to composition of vaccinia virus encoding a first immunostimulatory molecule and cells in 06/19/2002 RZIMMERN 000000001 110600 09691504
vaccinia virus encoding a second immunostimulatory molecule, and methods of using said composition, classified in classes 435 and 514, subclasses 320.110.00 CH 325 and 44.

III. Claims 1-17 and 39-53, drawn to antigen presenting cells infected with a vaccinia virus encoding an immunostimulatory molecule and methods of making said cells, classified in class 435, subclasses 320.1 and 325.

Applicants hereby provisionally elect, with traverse, the claims of Group II, Claims 18-38 and 55-107. This election is made with traverse because even though the claims of groups I, II and III are considered patentably distinct from one another, it is believed that the claims are sufficiently related to be properly presented in a single application.

Respectfully submitted,

Deborah A. Somerville
by: *Mary C. A. A. A.*
Deborah A. Somerville
Reg. No. 31,995 *Reg No 30,333*

Date: May 28, 2002



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TRANSMITTAL OF RESPONSE

We are enclosing herewith a response to the Restriction Requirement mailed March 26, 2002.

Applicants request herewith a two month extension of time to respond to the Restriction Requirement mailed March 26, 2002, resetting the response date to May 28, 2002 (May 26, 2002 was a Sunday and May 27, 2002 was a Federal holiday). The extension fee of \$200.00 and any additional fees should be charged to Kenyon & Kenyon, Deposit Account No. 11-0600.

Date: May 28, 2002

Respectfully submitted,

Deborah A. Somerville
Deborah A. Somerville *By: Mary C. Wheeler*
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